

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/774,311	GOLIN, STUART JAY	
	Examiner	Art Unit	
	Erick Rekstad	2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed June 29, 2004.
2. ☒ The allowed claim(s) is/are 1,4,6-11,14 and 16-20.
3. ☒ The drawings filed on 26 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

### **DETAILED ACTION**

This is an Allowance in response to applicant's amendment filed on June 26, 2004 in which claims 1, 4, 6-11, 14, and 16-20 are presented.

#### ***Response to Amendment***

The cancellation of claims 2, 3, 5, 12, 13 and 15 has been noted.

Applicant's amendment with respect to the claims 6-10 and 16-20 previously rejected under 35 U.S.C. 112 have overcome the rejection. The 35 U.S.C. 112 rejection of claims 6-10 and 16-20 have been withdrawn.

Applicant's amendment with respect to claims 1 and 11 previously rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,459,811 to Hurst, Jr. in view of US Patent 5,652,627 to Allen has been overcome. The rejection was overcome by the applicant's combination of objected claim 5 with independent claim 1 and objected claim 15 with independent claim 11.

#### ***Allowable Subject Matter***

Claims 1, 4, 6-11, 14, and 16-20 are allowable.

The following is an examiner's statement of reasons for allowance:

The present claims include novel and unobvious features in that the examiner was unable to find in several prior art searches.

US Patent 6,459,811 to Hurst, Jr. suggests an apparatus for use in an encoder to ensure integrity of a hypothetical decoder buffer of a video buffer verifier (Col 4 Lines 16-44). The apparatus contains an encoder buffer (VBV buffer, Col 4 Line 21). Hurst describes the VBV as containing the means to control the transmission based on the

representation of a prescribed number of bits (Col 4 Lines 30-36). Hurst further describes the VBV calculating a representation of the prescribed number of bits in accordance with a prescribed relationship dependent on said encoder buffer bit content and an end of picture indication (Col 3 Lines 17-40 and Col 4 Lines 30-44). US Patent 5,652,627 to Allen shows the calculation for a standard VBV in Figure 1 (Col 4 Lines 34-67). The end of picture indication is the DTS, which is the time the frame is required to be decoded (Col 3 Lines 36-57). It would have been obvious to one of ordinary skill in the art at the time of the invention that the VBV well known in the prior art contains a buffer, transmission controller, and a calculator as required by claim 1. It would have been obvious to one of ordinary skill in the art at the time of the invention that the VBV well known in the prior art contains the method of claim 11.

As shown by Allen in Figure 1, the transmission of bits is controllably inhibited for each transmission to the decoder. The buffer transmits only the data for frame 1 at time 44 and only data for frame 2 at time 46 even though there is more data in the buffer (Col 4 Lines 34-67). It would have been obvious to one of ordinary skill in the art at the time of the invention that the transmission of bits is controlled.

Hurst and Allen fail to teach the apparatus and method further providing the calculator a first indication from the detector of when the picture actually ended and a second indication from the detector of when the picture should have ended in order to allow the calculator to determine whether the picture has ended at an expected time. These features taken with the others in the claims define over the prior art.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 703-305-5543. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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